

## Summary - Texting While Driving Law – House Bill 415

Effective – July 1, 2010

â SECTION 1. A NEW SECTION OF KRS CHAPTER 189 IS CREATED TO READ AS FOLLOWS:

- (1) As used in this section, "personal communication device" means a device capable of two  
(2) way audio or text communication that emits an audible signal, vibrates, displays a  
message, or otherwise summons or delivers communication to the possessor, including  
but not limited to a paging device and a cellular telephone.
- (2) Except as provided in subsection (3) of this section, no person shall, while operating a  
motor vehicle that is in motion on the traveled portion of a roadway, write, send, or read  
text-based communication using a personal communication device to manually  
communicate with any person using text-based communication, including but not limited  
to communications referred to as a text message, instant message, or electronic mail.
- (3) Subsection (2) of this section shall not apply to:
- (a) The use of a global positioning system feature of a personal communication device;  
(b) The reading, selecting, or entering of a telephone number or name in a personal  
communication device for the purpose of making a phone call;  
(c) An operator of an emergency or public safety vehicle, when the use of a personal  
communication device is an essential function of the operator's official duties; or  
(d) The operator of a motor vehicle who writes a text message on a personal  
communication device to:
1. Report illegal activity;
  2. Summon medical help;
  3. Summon a law enforcement or public safety agency; or
  4. Prevent injury to a person or property.

â SECTION 2. A NEW SECTION OF KRS CHAPTER 189 IS CREATED TO READ

AS FOLLOWS:

- (1) As used in this section, "personal communication device" shall have the same meaning as defined in Section 2 of this Act.
- (2) Any person under the age of eighteen (18) who has been issued an instruction permit, intermediate license, or operator's license shall not operate a motor vehicle, motorcycle, or moped that is in motion on the traveled portion of a roadway while using a personal communication device, except to summon medical help or a law enforcement or public safety agency in an emergency situation.
- (3) Use of a personal communication device does not include a stand-alone global positioning system or an in-vehicle security, diagnostics, and communications system, but does include manually entering information into the global positioning system feature of a personal communication device.
- (4) This section shall not apply to the use of a citizens band radio or an amateur radio by a motor vehicle operator.
- (30) (a) Prior to January 1, 2011, any person who violates Section 2 or 3 of this Act shall not be issued a uniform citation, but shall instead receive a courtesy warning.

(b) On or after January 1, 2011, any person who violates Section 2 or 3 of this Act shall be fined twenty-five dollars (\$25) for the first offense and fifty dollars (\$50) for each subsequent offense.